A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 7th day of June, 1976 at 8:00 P.M. and there were

PRESENT:

STANLEY JAY KEYSA, SUPERVISOR

JOSEPH R. BARNHARDT, COUNCILMAN

EDWARD A. BERENT, COUNCILMAN

PETER J. BOLENDER, COUNCILMAN

ARTEL J. METZ, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY

EDWARD J. FERON, TOWN ENGINEER

VICTOR H. OTT, POLICE CHIEF

BID OPENINGS:

NONE

PUBLIC HEARINGS:

NONE

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	MONTH OR MONTHS OF
Town Clerk	May, 1976
Building Inspector	May, 1976
Dog Warden	May, 1976
Town Justice Dwan	April, 1976

The Town Clerk reported that the following Boards, Commissions, Bureaus, and Committees of the Town of Lancaster have filed with him minutes or memorandums of their meetings as follows:

Planning	Board		No.	7	- Apr	1 2	1, 1976
			No.	8	- May	5,	1976
			No.	9	- May	19,	1976

Youth Bureau April 29, 1976

Southeast Community Work Center

COMMITTEE REPORTS:

Councilman Metz for the Investigating Committee again complained that the grade crossing at Pavement Road and the ConRail tracks (formerly Erie Lackawanna Railroad) is still in deplorable condition. The Town Clerk was directed again to contact ConRail and demand immediate action to improve and repair this dangerous grade crossing.

May 13, 1976

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board, held on May 17, 1976, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

WHEREAS, it is necessary that the Town of Lancaster renew its, existing contract with the Master Water Improvement Area of the Town of Lancaster for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants for fire purposes, and

WHEREAS, such contract for supply of water for fire purposes will be of benefit to the entire Fire Protection District of the Town of Lancaster,

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION 1: That the Town Board of the Town of Lancaster, acting on behalf of the Fire Protection District of the Town of Lancaster and acting as commissioners of the Master Water Improvement Area of the Town of Lancaster, Erie County, New York, shall hold a public hearing on the question of the execution of a contract between the said Fire Protection District of the Town of Lancaster and the said Master Water Improvement Area of the Town of Lancaster, in accordance with the provisions of Section 184-a of the Town Law of the State of New York, upon the following terms and conditions and such terms and conditions as the Town Board of the Town of Lancaster, acting on behalf of the said parties, shall deem appropriate:

- a.) The contract shall be for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants, including the erection and maintenance of markers therefor, to the Fire Protection District by the Master Water Improvement Area for a period of five (5) years, provided, however, that either party may terminate said agreement upon thirty days' written notice each to the other.
- b.) The contract shall provide for payment by the Fire Protection District to the Master Waster Improvement Area of a sum of \$39.00 per hydrant per year for a period of five (5) years, commencing July 1, 1976 and terminating June 30, 1981; provided, however, that said sum per hydrant shall be modified in accordance with any increase in hydrant charge made by the Erie County Water Authority to the Master Water Improvement Area, in which event the charge under this agreement shall be accordingly increased.

c.) The Town Engineers shall maintain an accurate inventory of each and every hydrant in said Master Water Improvement Area.

SECTION 2: That said public hearing shall be held at the Town. Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of June, 1976, at 8:00 o'clock P.M., Local Time, at which time all citizens or parties in interest may be heard upon the said proposed contract.

SECTION 3: That the Town Clerk be directed to publish a Notice of said hearing in the Lancaster Enterprise-Journal and post a copy of said Notice on the Town Bulletin Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

NOTICE OF PUBLIC HEARING TOWN OF LANCASTER MASTER WATER IMPROVEMENT AREA

NOTICE IS HEREBY GIVEN that a public hearing will be held by the

Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue,

Lancaster, New York, at 8:00 o'clock P.M., Local Time, on the 21st day of June,

1976, upon the proposed contract between the Fire Protection District of the

Town of Lancaster and the Master Water Improvement Area of the Town of Lancaster

in accordance with the provisions of Section 184-a of the Town Law of the State

of New York, upon the following terms and conditions and such terms and conditions

as the Town Board of the Town of Lancaster, acting on behalf of the said parties

shall deem appropriate:

- the furnishing, erection, maintenance, care and replacement of fire hydrants, including the erection and maintenance of markers therefor, to the Fire Protection District by the Master Water Improvement Area for a period of five (5) years, provided, however, that either party may terminate said agreement upon thirty days written notice each to the other.
- b.) The contract shall provide for payment by the Fire Protection District to the Master Water Improvement Area of a sum of \$39.00 per hydrant per year for a period of five (5) years, commencing July 1, 1976 and terminating June 30, 1981; provided, however, that said sum per hydrant shall be modified in accordance with any increase in hydrant charge made by the Erie County Water Authority to the Master Water Improvement Area, in which event the charge under this agreement shall be accordingly increased.
- c.) The Town Engineers shall maintain an accurate inventory of each and every hydrant in said Master Water Improvement Area.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

BY ORDER OF THE TOWN BOARD.

By: ROBERT P. THILL Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BOLENDER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN METZ, TO WIT:

WHEREAS, the Town Superintendent of Highways has duly recommended the purchase of one (1) new hydraulic excavator for use of the Highway Department, pursuant to Section 142 of the Highway Law, and

WHEREAS, Dow and Company, Inc., 1820 Elmwood Avenue, Buffalo, New York, has submitted the lowest responsible bid in accordance with the specifications in the sum of \$67,954.00,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 142 of the Highway Law, the Town Superintendent of Highways is hereby authorized to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, with the approval of the County Superintendent of Highways, one (1) new hydraulic excavator for the Highway Department for a maximum price of \$67,954.00, with delivery to be made within two days of contract award.

The terms of payment will be as follows:

1. Check from proceeds of Bond Anticipation Note \$ 67,954.00

A contract for purchase of the item shall be duly executed between the Town Superintendent of Highways and such vendor and, when duly approved by the Erie County Superintendent of Highways, it shall become effective.

When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the item purchased in accordance with the terms of the Bond Resolution and such contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

אאָג The resolution was thereupon unanimously adopted. THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

WHEREAS, the Millgrove Volunteer Fire Comapny, Inc., by letter dated May 24, 1976 has requested confirmation of two (2) new members duly elected to the Membership of the Millgrove Volunteer Fire Company, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the membership of the following individuals in the Millgrove Volunteer Fire Company, Inc.:

CONFIRMATIONS

Donald J. Perussini 3571 Pohl Road Alden, NY 14004

Dennis Nichols 3025 Peters Corners Alden, NY 14004

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN METZ, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BOLENDER, TO WIT:

WHEREAS, it has been requested that the following individuals be authorized to attend meetings which would be beneficial to the administration of their respective duties, and

WHEREAS, it is deemed in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are authorized to attend the following meetings:

Robert P. Thill, Town Clerk - Institute for Professional Clerks, Syracuse, New York, August 15-20, 1976, with reimbursement for actual and necessary expenses not to exceed \$195.00, plus necessary mileage.

Edward Mikula, Town Historian - Seminar on American Culture, Cooperstown, New York, July 5-16, 1976, at a cost for registration and tuition of \$192.00 and other reasonable expenses not to exceed an additional \$208.00, for a total cost not to exceed \$400.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

WHEREAS, the Lancaster Youth Bureau has requested authorization for three of its members to attend the New York State Association for Human Services Inc., Region I Conference on June 11, 1976, at Genesee Community College, and

WHEREAS, it is deemed in the public interest that such authorization be granted,

NOW, THEREFORE, BE IT

RESOLVED, that Mary Lucariello, Diane Kraemer and David Trainer be and hereby are authorized to attend the aforesaid Conference on the date as specified, with reimbursement for actual and necessary expenses not to exceed \$19.50 for the three individuals attending.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED

VOTED YES

COUNCILMAN METZ

VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BOLENDER , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

ACCOUNT	ORDER NUMBER	TOTAL AMOUNT
General Funds	No. 3715 to 3781 Incl.	\$188,726.49
Special District Funds	No. 134 to 136 Incl.	\$ 36,400.10
Part Town Funds	No. 310 to 315 Incl.	\$ 23,720.18
Highway Funds	No. 855 to 869 Incl.	\$ 82,122.96
Trust & Agency Funds	No. 117 to 120 Incl.	\$ 18,527.50
Federal Revenue Sharing	No. 259 to 280 Incl.	\$ 13,367.19
Capital Funds	No. 226 to 227 Incl.	\$ 11,553.30

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
SUPERVISOR KEYSA VOTED YES
COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN METZ , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BOLENDER , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

<u>NO</u> .	<u>NAME</u>	ADDRESS	<u>STRUCTURE</u>
36	William Lipke	236 Seneca Pl.	ER. STORAGE SHED
37	Chester Damian	6 Charlton	ER. IN GROUND POOL AND FENCE
38	John Jones	324 Pavement Rd.	ER. CONCRETE BLK STAND
39	James Dennis	7 Division	ER. IN GROUND POOL
40	Jerold Ode	10 Wainwright Ct.	ER. FR. SIN. DWLG. PVT. GARAGE
41	Ted Antos	31 Maple	EXT. AND REBUILD FR. PVT. GARAGE
42	Thomas W. Ibowicz	515 Erie	ER. FR. FENCE
43	Rose Gatti	5021 William	ER. FR. BRK CONCRETE BLK CELLAR SIN. DWLG.
44	Edward Czuprynski	180 Siebert	DEM. FR. BARN
45	Al Barone	287 Broezel	ER. FR. PVT. GARAGE
46	Albert DiGulio	256 Pleasantview	EXT. FR. SIN. DWLG.
47	Frank Puricelli	23 Barton	ER. FR. BRICK VEN. SIN. DWLG.
48	Frank Puricelli	19 Barton	ER. FR. BRICK VEN. SIN. DWLG.
49	Joseph Karb	41 Glendale	ER. FR. FENCE
50	M. F. Lipowicz	137 Iroquois	EXT. FR. SIN. DWLG.
51	Walter Ferry	140 Cemetery	EXT. FR. WAREHOUSE
52	Leonard Schie	5982 Genesee	EXT. FR. SIN. DWLG.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES SUPERVISOR KEYSA VOTED YES COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

STATUS REPORT ON UNFINISHED BUSINESS:

1. Walden Pond Park - Federal Assistance Application

On April 30, 1976, the New York State Parks and Recreation Agency forwarded this Federal Assistance Application to the Bureau of Outdoor Recreation in Philadelphia for their approval and funding.

2. Rezone Petition, Angelo and Fanny Arcadi

On January 19, 1976, the petition was presented to the Town Board and referred to the Planning Board for report and recommendation. The Planning Board is awaiting further data to be supplied by the petitioner.

3. Rezone Petition, Josela Enterprises

On May 17, 1976, this reszone petition was presented to the Town Board and referred to the Planning Board for review and report.

4. <u>Subdivision Approval</u>, <u>Josela Enterprises</u>, "Countryside Subdivision"

On February 6, 1976, the Planning Board granted preliminary approval to the Subdivider for this Subdivision.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. Lee Skinner, 6224 Broadway, representing the Lancaster-Depew Community Theater, requested use of storage space at the Lancaster Town Center for the storage of scenery sets used by the theater.

The Supervisor informed Mr. Skinner that the Town Board is aware of the needs of the community theater and that if space could be found at the Lancaster Town Center that would satisfy the needs of the community theater, consideration will be given to their organization for storage of scenery sets.

Town Clerk

DISPOSITION COMMUNICATIONS R & F Town Clerk to Town Board -259. Resume of actions taken in response to directions and resolutions of the Town Board Meeting of 5/17/76. 260. Robert Godlove, Att'y to Town Board -Attorney Request investigation of ruling of Advisory Board in regards to Richard Spoth's suspension from the LVAC. Gen. Chairman, Bicentennial Commission to 261. Town Clerk Town Board -Notification that Independence Day festivities will be held on 7/5/76 with rain day 7/11/76 and requesting support from the Town Board. 262. Copy of letter from Leg. Slisz to County Supervisor Executive expressing desire to have all Attorney four members of Board of Mgr's Sewer Dist. #1 serve on the Sewer Dist. #4 Board of Mgr's with request that Leg. Norman Wolf be appointed if he so desires. 263. Copy of letter from Alden Town Clerk to Board of Mgr's Sewer Dist. #4 enclosing copy of resolution adopted by the Alden Board on 5/17/76 relative to action taken in regard to Sewer Dist. #4. 264. Building Inspector to Town Board -<u>Engineers</u> Request for a detailed map to scale Attorney interpreting the data shown on Interim Soil Survey Map dated 8/69 so that data may be applied to Building Permits received. Copy of the April, 1976 Report of Town Justice Dwan. 266. Maz Designs to Town Board -Supervisor Request employment as a Theatrical Designer/Consultant in connection with restoration of Town Opera House. Copy of the April, 1976 Minutes 267. R & F of the Planning Board. 268. Copy of letter from Contressman Kemp to Reg. Dir., Bureau of Outdoor Recreation Recreation Comm. requesting approval and funding of Federal Recreation Dir. Assistance for Walden Town Park. 269. Town Attorney to Town Board -Information Session Notification of need of 23 fire hydrants

in the Town at a cost of \$126.00 per

Recommendation that Election Dist. #15

hydrant a year.

270.

Town Clerk to Town Board -

be split into two districts.

COMMUNICATIONS CONT'D.		DISPOSITION		
271.	Environ. Conserva. Comm. to Town Board - Recommendation that open space areas in	R&F "		
in in the second se	the eastern part of town be considered for agricultural districts in the future.			
272.	Div. of Planning, Erie County to Supervisor -	Planning Board		
	Notification of workshops for elected officials on the Federal Section 8 Housing Assistance Payments Program for Existing Housing to be held 6/15/76 and			
	6/16/76.			
273.	Copy of Youth Board Minutes for April 29, 1976	R & F		
274.	Copy of Planning Board Minutes of Meeting #8 held 5/5/75.	R&F		
275.	Ass't. System Planner, Dept. of Public Service to Supervisor -	Supervisor		
	Notification that a follow-up call will be made to check on the progress of Cheektowaga's decision on "911".			
276.	County Director, Off. of Natural Disaster and Civil Defense to Supervisor -	REF		
Transmittal of copy of the Project Application filed under N.Y.S. Federal Disaster Assist. Agreement and	Application filed under N.Y.S. Federal			
	in the amount of \$102,110.00.			
277.	Chief, Unit IV, Buffalo State Hosp'l to Supervisor -	RεF		
*	Notification that a Board-qualified psychiatrist, Dr. Kim, will be			
	available to provide patient mental health services referred to by the the Counselling Center.			
278.	Leg. Slisz to Supervisor - Notification of appreciation for	R&F		
	invitation to dedication ceremonies			
	of the Lancaster Public Library and hospitality received in conjunction therewith.			
279.	Highway Sup't. to Town Board -	RεF		
	Notification that the Highway Dep't. now has two employees who are qualified to inspect all Town-owned vehicles.	Police Chief Youth Bureau Dog Warden Recreation		
280.	Deputy Dist. Eng., Corps of Engineers to	R & F		
	Supervisor - Notification that Bridge Abutment Elevation Markings on Ellicott Creek in the Town of Lancaster be obtained from the Federal Insurance Agency,			
	Dept. of HUD.			

COMMUNICATIONS CONT'D.

DISPOSITION

281.	Notification of investments of \$200,000., \$150,000., and \$130,000. • with dollar earnings of \$1,007.30, \$1,383.48 and \$1,470.91.	R & F
282.	Supervisor to Town Board - Copy of check in the amount of \$65.00 and estimate of damages from Knauber Trim Co. in connection with damages to the police booking area at Lancaster Center with recommendation that money be used to install flooring between matron room and men's cell block.	R & F
283.	Supervisor to Town Board - Transmittal of letter from Pres., Pleasantview Trucking Co. offering to demolish the east wing of Bldg. #1 at Lancaster Town Center for \$400.00 with recommendation that such offer be accepted.	Attorney
284.	Copy of the May, 1976 Report of the Dog Warden.	RεF
285.	Ass't Supt. for Business, Lancaster School District to Town Board - Request that there be an amendment to the present lighting agreement to include one additional HPS lamp and request that Sup't. of Bldgs and Grounds be notified when lamp is installed. Copy of sketch transmitted showing location of instal- lation.	Lighting Comm.
286.	Copy of the May, 1976 Report of the Building Inspector.	R & F
287.	Highway Sup't. to Town Board - Request purchase of land on Iroquois Pl. for purpose of covering Ditch B3 to prevent hazards from developing.	Attorney
288.	Copy of letter from Deputy Town Att'y. to Western N.Y. Van Ass'n, Inc., denying a Revocable Special Use Permit to use Rustic Park for a weekend campout.	R & F
289.	Exec. Dir., Youth Bureau to Supervisor - Request permission for D. Trainer, D. Kraemer, and M. Lucariello to attend the Region 1 Conference on 6/11/76 at Genesee Community College.	R & F
290.	Copy of Minutes of the Southeast Community Work Center of Meeting held 5/13/76.	R & F
291.	Chief, Bowmansville Vol. Fire Ass'n. to Town Board - Notification of support of findings relative to the fire protection needs and recommendation that the Town enter into a contractual agreement with the Erie County Water Authority.	R & F

COMMUNICATIONS CONT'D.

DISPOSITION

292.	Clarence Donath to Supervisor - Transmittal of invoice and voucher	R & F		
· · · · · · · · · · · · · · · · · · ·	from Weaver Metal and Roofing Co. for			
	extra work done at Lancaster Public Library with recommendation of payment along with guarantee.			
293.	Copy of the Planning Board Minutes of Meeting #19 held 5/19/76.	R&F		
294.	Supervisor to Town Board - Report of Assoc. of Erie County Governments meeting on 5/26/76.	R&F		
295.	Copy of the May, 1976 Report of the Town Clerk.	R & F		
296.	Co-Chairman, Bicentennial Comm. to Town Board -	Town Clerk		
	Request permission to announce festival activities through Town Hall loudspeaker system on 7/22/76 between 11:00 A.M			

ADJOURNMENT:

ON MOTION OF COUNCILMAN BOLENDER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:30 P.M. out of respect to:

Theodore Gondek

Alexander Utecht

Signed

Robert P Thill Town Clark